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WASHINGTON - The U.S. Commission on International Religious Freedom (USCIRF) is closely monitoring the outcome of a court case in Cairo that will consider whether an Egyptian Baha'i couple will be able to obtain national identity documents without having to deny or falsify their faith.

On November 20, the Supreme Administrative Court in Cairo will convene a hearing on the Egyptian government's appeal of a lower court decision that would have allowed members of the Baha'i faith in Egypt to obtain a national identity card and to list their religious affiliation. The Commission urges the U.S. government to encourage the Egyptian government to reverse its discriminatory policy of requiring Egyptian citizens to list their religious affiliation, restricting the choice to one of the three state recognized religions - Judaism, Christianity, or Islam - on national identity documents.

"Current Egyptian policy essentially turns Baha'is into non-citizens because without an identity card they cannot gain access to government services like education and employment, or engage in basic financial transactions, such as opening a bank account or obtaining a driver's license. It is even illegal to be in public without a card," said Commission chair Felice D. Gaer. "This policy is highly discriminatory and is incompatible with international

standards. The current court case provides the Egyptian government with an opportunity to change its policy and omit mention of religious affiliation from identity documents or to make optional any mention of religious affiliation," said Gaer.

Egypt requires all citizens to obtain and carry a national identity card, including listing one's religious affiliation, and only permits one of three choices. This policy:

- runs contrary to Article 40 of the Egyptian Constitution which states that: "All citizens are equal before the law. They have equal public rights and duties without discrimination between them due to race, ethnic origin, language, religion or creed."
- violates Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a party. The UN Human Rights Committee has stated that no one can be "compelled to reveal [his or her] adherence to a religion or belief." Furthermore, in a 2004 report, the UN Special Rapporteur on Freedom of Religion or Belief stated that mention of religion on government identity cards is at "variance with the freedom of religion or belief that is internationally recognized and protected" and that Egypt's policy of excluding "any mention of religions other than Islam, Christianity or Judaism would appear to be a violation of international law."
- is inconsistent with the practice of many other countries in the region where Islam is the state religion and/or a source of legislation. Countries in the region that either do not require religious affiliation or do not list it at all on national identity cards include Algeria, Bahrain, Iraq, Kuwait, Mauritania, Oman, Qatar, Sudan, Tunisia, and the United Arab Emirates.

In April of this year, a lower Egyptian administrative court ruled that a Baha'i couple should be permitted to identify their religious affiliation on official government documents. This positive development was short-lived, as the Interior Ministry appealed the ruling on advice from religious authorities and some parliamentary members. A higher court suspended the original decision in May, leaving the Baha'i community in limbo until the Supreme Administrative Court rules on the appeal. In August, Egypt's National Council for Human Rights, a government-appointed advisory body, held an unprecedented public symposium in Cairo focused solely on the Egyptian government's policy that requires citizens to list their religion on national identification cards. At the symposium, human rights and civil society groups testified that the Egyptian government should reverse its policy.

The Baha'i community in Egypt, which has been banned from practicing its religion for decades, continues to face severe challenges. A 1960 Presidential decree stripped Baha'is of legal recognition and as a result, many in the community of less than 2,000 have no valid identity documents and cannot obtain or renew passports, marriage licenses, birth certificates,

or death certificates. Almost all community members are known to the state security services, and many are regularly subject to surveillance and other forms of harassment. Furthermore, Al-Azhar's Islamic Research Center has issued *fatwas* in recent years urging the continued ban on the Baha'i community and condemning Baha'is as apostates.

For more information, see USCIRF's [Annual Report](#).

The U.S. Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 to monitor the status of freedom of thought, conscience, and religion or belief abroad, as defined in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, the Secretary of State and the Congress.

Felice D. Gaer